

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1-3. (cancelled).

4. (currently amended) A control unit ~~according to claim 3~~ comprising an electric motor with a rotary magnet constructed as a rotor, having a drive shaft and an externally excited stator, and electrical coils for externally exciting said stator, wherein said motor is provided with at least one releasable arresting element interposed between movable and stationary parts of the motor, said arresting element when engaged holding the drive shaft in a set position, wherein said control unit is operatively connected to a motor vehicle control element so as to actuate said control element, wherein said control element is a flap valve in an air intake duct of an internal combustion engine.

5. (currently amended) A control unit ~~according to claim 1~~, comprising an electric motor with a rotary magnet constructed as a rotor, having a drive shaft and an externally excited stator, and electrical coils for externally exciting said stator, wherein said motor is provided with at least one releasable arresting element interposed between movable and stationary parts of the motor, said arresting element when engaged holding the drive shaft in a set position, the control unit

further comprising a second arresting element, each of said arresting elements defining an end position of said drive shaft.

6. (currently amended) A control unit according to claim ~~1~~ 4, wherein said arresting element is provided with an elastically resilient element for producing a interlocking connection with said drive shaft.

7. (currently amended) A control unit according to claim ~~1~~ 4, wherein said arresting element is provided with contact surfaces which produce a frictional connection to the drive shaft.

8-9. (cancelled).

10. (currently amended) A control module unit ~~according to claim 8~~ comprising a control element and an actuator, said actuator comprising an electric motor with a rotary magnet constructed as a rotor and having a drive shaft connected to the control element and an externally excited stator, wherein said control module further comprises electrical coils for externally exciting said stator and at least one releasable arresting element interposed between movable and stationary parts of said module, said arresting element when engaged holding the drive shaft in a set position, wherein said control element is a flap valve in an air intake duct of a motor vehicle engine.

11. (currently amended) A control module unit ~~according to claim 8~~ comprising a control element and an actuator, said actuator comprising an electric motor with a rotary magnet constructed as a rotor and having a drive shaft connected to the control element and an externally excited stator, wherein said

control module further comprises electrical coils for externally exciting said stator and at least one releasable arresting element interposed between movable and stationary parts of said module, said arresting element when engaged holding the drive shaft in a set position, the control module further comprising a second arresting element, each of said arresting elements defining an end position of said drive shaft.

12. (cancelled)

13. (currently amended) A control module unit according to claim 12 comprising a control element and an actuator, said actuator comprising an electric motor with a rotary magnet constructed as a rotor and having a drive shaft connected to the control element and an externally excited stator, wherein said control module further comprises electrical coils for externally exciting said stator and at least one releasable arresting element interposed between movable and stationary parts of said module, said arresting element when engaged holding the drive shaft in a set position, wherein at least one arresting element comprises a limit stop for the control element, wherein said control element comprises a sealing member, and said limit stop comprises a sealing surface against which said sealing member is held in a closed state.

14. (currently amended) A control module unit according to claim 8 comprising a control element and an actuator, said actuator comprising an electric motor with a rotary magnet constructed as a rotor and having a drive shaft connected to the control element and an externally excited stator, wherein said

control module further comprises electrical coils for externally exciting said stator and at least one releasable arresting element interposed between movable and stationary parts of said module, said arresting element when engaged holding the drive shaft in a set position, wherein said arresting element is provided with an elastically resilient element for producing a form-fit connection with said drive shaft.

15. (currently amended) A control module ~~unit~~ according to claim 8 10, wherein said arresting element is provided with contact surfaces which produce a frictional connection to the actuator or the control element.

## **REMARKS/ARGUMENTS**

### **Description of amendments**

Claims 4-7, 10, 11, and 13-15 are now pending and under examination. Applicant has amended claims 6, 7 and 15, rewritten claims 4, 5, 10, 11, 13 and 14 in independent form, and cancelled claims 1, 3, 8, 9 and 12. No new matter has been added.

### **Allowed and allowable claims**

Applicant appreciates that the Examiner has indicated claims 4, 5, 10, 11, 13, and 14 would be allowable if they are rewritten to include all of the limitations of the base claim and any intervening claims. Claims 4, 5, 10, 11, 13, and 14 have been rewritten in independent form and, therefore, are in allowable form. Since each has been amended to depend from an allowable claim, claims 6, 7, and 15 are also allowable.

### **Rejections under 35 U.S.C. §§102 and 103(a)**

Because of the amendments to the claims, all pending claims are now in allowable form. Therefore, the rejections under 35 U.S.C. §§102 and 103(a) are moot.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application

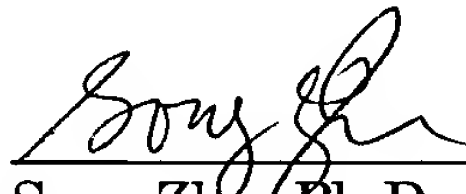
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in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and any deficiency in fees should be charged, or any overpayments should be credited, to Deposit Account No. 05-1323 (CAM #: 037141.49971US).

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Respectfully submitted,



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